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APPLICATION NO.	FI	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,990	1	0/30/2003	Stephen J. Orr	91922-7	5665
22463	7590	590 11/01/2006		EXAMINER	
SMART A			WOO, STELLA L		
438 UNIVE SUITE 150			ART UNIT	PAPER NUMBER	
TORONTO	, ON M5	G2K8	2614		
CANADA			DATE MAILED: 11/01/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	10/695,990	ORR, STEPHEN J.				
Office Action Summary	Examiner	Art Unit				
	Stella L. Woo	2614				
The MAILING DATE of this communication a Period for Reply	ppears on the cover sheet w	ith the correspondence address				
A SHORTENED STATUTORY PERIOD FOR REF WHICHEVER IS LONGER, FROM THE MAILING  - Extensions of time may be available under the provisions of 37 CFR after SIX (6) MONTHS from the mailing date of this communication.  If NO period for reply is specified above, the maximum statutory perions are reply within the set or extended period for reply will, by state Any reply received by the Office later than three months after the main earned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNION 1.136(a). In no event, however, may a low will apply and will expire SIX (6) MON ute, cause the application to become Al	CATION. reply be timely filed  ITHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 10	August 2006.					
•	, <del></del>					
3) Since this application is in condition for allow						
closed in accordance with the practice under	r <i>Ex par</i> te <i>Quayle</i> , 1935 C.D	). 11, 453 O.G. 213.				
Disposition of Claims						
4)⊠ Claim(s) <u>2-21 and 23-26</u> is/are pending in th	e application.					
4a) Of the above claim(s) is/are withdo	rawn from consideration.					
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>2-21, 23-26</u> is/are rejected.						
7) Claim(s) is/are objected to.	,					
8) Claim(s) are subject to restriction and	/or election requirement.					
Application Papers						
9) The specification is objected to by the Exami	ner.					
10) The drawing(s) filed on is/are: a) a		by the Examiner.				
Applicant may not request that any objection to the						
Replacement drawing sheet(s) including the corre	ection is required if the drawing	(s) is objected to. See 37 CFR 1.121(d).				
11) ☐ The oath or declaration is objected to by the	Examiner. Note the attached	d Office Action or form PTO-152.				
Priority under 35 U.S.C. § 119						
12) ☐ Acknowledgment is made of a claim for foreignal ☐ All b) ☐ Some * c) ☐ None of:		119(a)-(d) or (f).				
1. Certified copies of the priority docume						
2. Certified copies of the priority docume		···				
3. Copies of the certified copies of the pr	•	received in this National Stage				
application from the International Bure  * See the attached detailed Office action for a li	, , , , , , , , , , , , , , , , , , , ,	received				
ood the attached detailed office action for a fi-	st of the certified copies not	received.				
Attachment(s)	. 🗂					
<ol> <li>Notice of References Cited (PTO-892)</li> <li>Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> </ol>		Summary (PTO-413) s)/Mail Date				
3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date		nformal Patent Application				

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#### **DETAILED ACTION**

### Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 23-24 and 26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are directed to functional descriptive material or "data structures" not claimed as embodied in computer-readable media and are, therefore, not statutory because they are not capable of causing functional change in the computer.

## Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 3. Claims 2-6, 8-21, 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Strubbe (US 6,473,114).

Strubbe discloses a method of controlling display of video associated with a conference, comprising:

displaying a plurality of video images (see Figure 6, images A, B, C, D), each of said plurality of images representing one of said multiple conference participants, each of said multiple conference participants currently active in said conference (images A, B, C, D represent active speakers; col. 4, lines 7-18);

continuing to display all of said plurality of video images, while adjusting an appearance of a video image representing one of said conference participants (candidate speaker D1), in dependence on a level of activity associated with said one of said conference participants, so that as said one of said conference participants becomes more active in said conference, said video image becomes more prominent amongst said plurality of video images (if candidate speaker D1 continues speaking beyond a predefined interval, the candidate speaker image D1 grows in size amongst the other speakers A, B, and C; col. 4, lines 12-16), and as said one of said conference participants becomes less active in said conference, said video image becomes less prominent (if the candidate speaker D1 stops speaking, his/her image shrinks and disappears; col. 4, lines 11-12).

#### Response to Arguments

4. Applicant's arguments filed August 10, 2006 have been fully considered but they are not persuasive.

Applicant argues that Strubbe does not "disclose or suggest emphasizing activity of an already active participant in a conference, as claimed." However, candidate speaker D1 is already active in frame 141 of Figure 6, the smaller

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image of D1 in this frame emphasizes the momentary speaking activity. As speaker D1 continues to speak, the growing images of D1 in frames 142-146 emphasize his/her continued speaking activity.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Friday, . 8:00 a.m. to 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

STELLA WOO PRIMARY EXAMINER

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